

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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No: 07-3565

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Ellen Jane Kutten, individually and on behalf of her daughters,

Plaintiff

Mary Ann Arnold; Elsie Mahler Scharff, on behalf of themselves and all others similarly situated,

Plaintiffs - Appellants

v.

Bank of America, N.A.; Bank of America Corporation,

Defendants - Appellees

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Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis  
(4:06-cv-00937-UNA)

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**JUDGMENT**

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

June 16, 2008

Order Entered in Accordance with Opinion:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans